

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26277 of 2005

Between:

M/s.Sujatha Constructions,

H.No.1-1-97/2, P&T Colony, Street No.1,

Habsiguda, Hyderabad, rep.by its

Managing Partner K.Jagan Mohanrao

..... PETITIONER

AND

The Chief General Manager Telecom,

A.P.Circle, BSNL, Doorsanchar Bhavan,

Nampally, Hyderabad and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not appointing the arbitrator as per the clause 7 of the tender conditions to resolve the dispute regarding the payment for the underground cable laying works carried out by the petitioner firm during the year 2000-2001, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is stated that the petitioner carried out the underground cable laying works of the respondents at Sangareddy during the year 2000-2001 in the name of Sujatha Constructions as per the conditions of the Tender. It is further stated that though the said works are completed, the payments were not released by the respondents. As per the letter dated 22.03.2005 issued by the 1st respondent, all claims of the petitioner are said to have been settled in accordance with the recommendations of the verification committee. But the petitioner has not received any amounts and he has not made a party to the verification committee.

It is stated that previously the 4th respondent is the concerned authority to pay the bills. Subsequently there was a division of functions and presently the 1st respondent is the concerned authority. After formation of division of functions, the works executed by the

4th respondent deemed to have been transferred to the 1st respondent and the 1st respondent alone is appropriate authority to take appropriate action in the concerned matter. Even after receipt of letter from the

1st respondent, the petitioner has chosen to file an application before the 4th respondent on 18.04.2005 seeking appointment of an arbitrator.

As the 4th respondent is not competent authority to appoint an arbitrator in respect of the works said to have been executed by the petitioner, having regard to the facts and circumstances of the case, the petitioner is permitted to file a fresh representation before the

1st respondent, seeking appointment of an Arbitrator, invoking provisions under Clause 7 of Tender conditions, within a period of 10 days from the date of receipt of a copy of this order, and on filing such representation, the 1st respondent may consider and take appropriate action in appointing an Arbitrator, in accordance with terms and conditions of the Tender and in accordance with the provisions under Arbitration and Reconciliation Act, 1996, within a period of 4 (four) weeks from the date of receipt of representation from the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 08.12.2005

Dsr

Note:

Issue CC in 4 days

B/o

Dsr